WP(C) 2802/2007
BEFORE
HON'BLR MR JUSTICE AMITAVA ROY

Heard Mr Srinivasan , learned counsel for the petitioner. Also heard Mr Khataniar, learned Standing counsel , Education Department,

Having regard to the relief prayed for, this petition is being disposed of at the motion stage.

The petitioner on being appointed by the Managing Committee of Padmaram Sarmah Higher Secondary School, Madhapur,Jorhat as a Classical Teacher(Sanskrit) had been rendering her services in that capacity since then till 1.9.2001. The school, incidentally had been provincialised in the year 1977.

The prayer made in the instant petition is to direct the respondent authorities to extend the weightage of the petitioner's experience in service and relaxation of age at the time of regular selection for sanctioned post of Classical teacher(Sanskrit) as and when undertaken in accordance with the relevant Rules.

Mr Srinisavan while reiterating the above has drawn the attention of this Court to the Office Memorandum dated 21.1.2004 of the Education(Elementary) Department, Govt.of Assam conveying the decision of the government to grant relaxation of age for the experience at the time of filling up the vacancies by

regular selection to Honorary teachers appointed by the Managing committee of a provincialised school.

According to the learned counsel for the petitioner, in the admitted conspectus of facts , the petitioner is entitled to the said benefit.

Mr Khataniar in reply ,has submitted that if the petitioner is eligible in terms of the Office Memorandum dated 21.1.2004 there is no reason as to why he would be denied the benefit thereunder.

Upon hearing the learned counsel for the parties and on a consideration of the pleaded facts supported by an affidavit as well as the documents annexed to the petition more particularly, the Office Memorandum as above, this petition is closed with a direction that as and when the process for filling up of post of Classical Teacher (Sanskrit) in the abovenamed school in which the petitioner is serving is initiated to be filled up on regular basis in terms of the extant Rules, the concerned respondent authorities in terms of the Office Memorandum dated 21.1.2004 while adjudging his suitability would extend to him the weightage /relaxation as contemplated therein. This direction is also in view of the fact that the petitioner had already submitted an application to the Director of Secondary Education, Kahilipara, Guwahati on 31.5.2001 which had been forwarded to the said authority by the Inspector of Schools, Jorhat District Circle ,Jorhat on 12.6.2001.

The petition stands closed in the above terms. No costs.